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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 JACK RYAN WILDER,

8 Plaintiff,

9 v.

10 U.S. MILITARY, et al.,

11 Defendants.

CASE NO. C18-5053 BHS

ORDER DISMISSING
COMPLAINT AND RENOTING
MOTION TO PROCEED *IN*
FORMA PAUPERIS

12 This matter comes before the Court on Plaintiff Jack Ryan Wilder's ("Plaintiff")
13 motion to proceed *in forma pauperis* (Dkt. 1) and proposed complaint (Dkt. 1-1).

14 On January 22, 2018, Plaintiff filed the instant motion and proposed complaint.
15 *Id.* Plaintiff's claims are based on factual allegations that he has been trapped, tortured,
16 and tormented "bio-mechanically through mind control" which has resulted in "traumatic
17 brain damage." Dkt. 1 at 1; Dkt. 1-1 at 5. In his complaint, Plaintiff claims he is being
18 "tormented by people in [his] head that fanicized [sic] me the above amount in
19 controversy." Dkt. 1-1 at 5. In his motion to proceed *in forma pauperis*, Plaintiff has
20 alleged that "the government that controls these satelites [sic] are able to control my mind
21 with them and they do so to hold me down, prevent me from working, finding help, and
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1 psychologically harness me all day long with pictures and films running through my head
2 tormenting me and making me believe anything.” Dkt. 1 at 2.

3 The district court may permit indigent litigants to proceed *in forma pauperis* upon
4 completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a); W.D. Wash.
5 Local Rules LCR 3(b). The “privilege of pleading *in forma pauperis* . . . in civil actions
6 for damages should be allowed only in exceptional circumstances.” *Wilborn v.*
7 *Escalderon*, 789 F.2d 1328 (9th Cir. 1986). The court has broad discretion in denying an
8 application to proceed *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir.
9 1963), *cert. denied* 375 U.S. 845 (1963). In this case, Plaintiff’s affidavit and *in forma*
10 *pauperis* application show an inability to prepay fees and costs. *See* Dkt. 1.

11 However, even if a party satisfies the financial requirements for eligibility to
12 proceed *in forma pauperis*, the Court’s review of the application and underlying
13 complaint is not complete. Under the *in forma pauperis* statute, the Court must dismiss
14 the case *sua sponte* if it determines at any time that (1) the allegation of poverty is untrue,
15 (2) the action is frivolous or malicious, (3) the complaint fails to state a viable claim, or
16 (4) the action seeks monetary relief against an immune defendant. 28 U.S.C. §
17 1915(e)(2).

18 In this case, Plaintiff has failed to state viable claims. In his pleadings, Plaintiff
19 must allege “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl.*
20 *Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Without further factual allegations
21 regarding specific Government conduct, Plaintiff’s cursory claims that the Government is
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1 controlling and harnessing his mind via satellite are insufficient to state a claim that is
2 plausible on its face. Therefore, the Court dismisses Plaintiff's complaint.

3 The remaining question is whether Plaintiff should be allowed leave to amend.
4 "[A] district court's denial of leave to proceed *in forma pauperis* is an abuse of discretion
5 unless the district court first provides a plaintiff leave to amend the complaint or finds
6 that amendment would be futile." *Rodriguez v. Steck*, 795 F.3d 1187, 1188 (9th Cir.
7 2015). In this case, the applicable legal standard prevents the Court from concluding that
8 any amendment would be futile. Plaintiff may have viable constitutional claims if he can
9 allege enough facts to plausibly state that the Government is controlling his mind via
10 satellite.

11 Therefore, the Court **GRANTS** Plaintiff leave to amend his complaint. An
12 amended complaint shall be filed no later than March 2, 2018. Plaintiff's amended
13 complaint must include allegations of actions by the Government with enough detail and
14 specificity to state a plausible claim. Failure to file an amended complaint by March 2,
15 2018, will result in **DISMISSAL** without further order from the Court. The Clerk shall
16 also **RENOTE** Plaintiff's motion to proceed *in forma pauperis* on the Court's March 2,
17 2018 calendar.

18 **IT IS SO ORDERED.**

19 Dated this 31st day of January, 2018.

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21 BENJAMIN H. SETTLE
22 United States District Judge